

State of Maine
Public Utilities Commission

Disconnection and Deposit Regulation for
Nonresidential Utility Service
Chapter 86

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65 - INDEPENDENT AGENCIES - REGULATORY

407 - PUBLIC UTILITIES COMMISSION

CHAPTER 86 - DISCONNECTION AND DEPOSIT REGULATIONS FOR NONRESIDENTIAL UTILITY SERVICE

SUMMARY: This rule governs the disconnection of, and the collection of deposits from, the nonresidential customers of electric, gas, telephone, and water utilities, except those having no full-time employees. The rule includes procedures for Commission review of disputes relating to deposits or disconnections. The extension of service to customers who owe overdue bills to the utility is also covered in the rule, and provisions relating to late payment charges have also been included.

1. APPLICABILITY

These regulations, unless otherwise specified, apply to all electric, gas telephone, and water utilities with at least one full-time employee that are subject to the supervision and jurisdiction of this Commission. The regulations do not, however, apply if a customer has filed a petition in bankruptcy and the Bankruptcy Court has exclusive jurisdiction over the disconnection of and collection of deposits from that customer.

2. SUFFICIENT REASONS FOR DISCONNECTION

A. Subject to these regulations, a utility may disconnect service to a nonresidential customer after appropriate notice only if:

1) The customer has failed to pay within a reasonable time any proper bill or deposit request in accordance with the provisions of these regulations or has failed to pay the undisputed portion of a bill or deposit request disputed subject to Sections 6 and 10 of these regulations. While bills are payable upon receipt, for the purposes of these regulations a reasonable time shall be thirty (30) days after the postmark date of the bill, and payment will be accomplished by receipt at the a business office or authorized payment agency of the utility;

2) The customer has failed to abide by the terms of an agreement entered into pursuant to Section 5 of these regulations;

3) There exists unauthorized or fraudulent use or

procurement of utility services, or tampering with the connections, meter, or other equipment of the utility, or the existence of a condition dangerous to health or safety, or detrimental to the utility service of others. No notice shall be required for disconnection pursuant to this subsection if a clear and present danger to life, health, physical property, or the utility's ability to serve other customers exists;

4) The customer unreasonably refuses access to his premises to install or read a meter or for a necessary inspection or repair of utility property;

5) The customer requests the disconnection or clearly abandons the premises, in which case no notice is necessary;

6) The Commission orders the disconnection, in which case the Commission will prescribe appropriate notice.

3. INSUFFICIENT REASON FOR DISCONNECTION

A. No customer shall be disconnection if:

1) No part of the customer's unpaid bill has been outstanding for more than three months, and the total amount outstanding is less than \$25;

2) The unpaid bill results from the purchase of telephone directory advertising or of merchandise or appliances not essential to the providing of the monopoly utility service;

3) The unpaid bill is for a service other than the one being disconnected;

4) The unpaid amount represents a previous billing error not corrected within ten (10) business days of the mailing of this erroneous bill.

4. NOTICE

A. Disconnection Notice. Service shall not be terminated unless the customer has been sent written notice of the Company's intention to disconnect at least seven (7) days in advance of the proposed disconnection. Notice may be sent not less than thirty (30) days after the postmark date of the original bill.

B. Period of Effectiveness .

1) Unless the bill is paid or arrangements to pay the bill are made, the service may be terminated on the scheduled termination date or within ten (10) business days thereafter. If a utility fails to terminate service within ten (10) business days of the termination date, then the termination notice procedure must be repeated, except as provided in paragraph (ii) below.

2) If, before the cause for disconnection shall have been removed and after a reasonable request by the utility, a customer expressly refuses to allow the utility to gain access to the meter, or other fixture or device, necessary to accomplish disconnection, the ten (10) business day period specified in subsection B(i) shall run from the date of the last such refusal by the customer, rather than from the scheduled termination date. The extension of time provided by this paragraph (ii) shall apply only if the utility:

a) records the date, time and manner of each attempt to disconnect service and each express refusal of the customer to allow access;

b) reports such attempts and refusals to the Consumer Assistance Division; and

c) has available to it no reasonable means of disconnection other than that which the customer has refused to allow.

C. Broken Payment Arrangement . Upon failure of the customer to abide by the terms of an agreement pursuant to Section 5 of these regulations, service may be terminated not less than three (3) business days after the utility has mailed notice of its intention to disconnect to the customer.

D. Disconnection at Request of Third Party . No electric, gas, or water utility shall, at the request of any lessor, owner, or agent, cause electric, water or gas services to be terminated with respect to any leased or rented property unless the owner or lessor furnishes a statement signed by the lessee or tenant agreeing to such termination, or notarized statement signed by the lessor or owner that the premises are vacant. Before any such utility disconnects service without such a statement it shall give notice, at least ten (10) days prior to the disconnection or termination of the service, to at least one

adult tenant occupying said premises and on opportunity for the tenant to put the service in his or her own name prior to the disconnection or termination.

E. Content of Notice. Notice to the customer must conspicuously include the following:

- 1) The exact reason for disconnection.
- 2) The actions the customer may take to avoid disconnection.
- 3) The scheduled disconnection date.
- 4) A statement that the customer may arrange with the utility for an installment payment plan, except in the case of notice given pursuant to Section 4(c) above.
- 5) A statement of the customer's right prior to the disconnection date to submit the disputed matter to: Consumer Assistance Division, Public Utilities Commission, Augusta, Maine 04333-0018, Telephone 287-3831.
- 6) A statement that the customer should not submit the matter to the Consumer Assistance Division of the Commission until he has first discussed the case with a utility representative.
- 7) The title and telephone number of the appropriate utility representative and a statement that the call may be made collect from within the utility's service area unless a toll-free number is offered or the utility's service area includes no telephone exchanges that involve toll calls to the designated telephone number.
- 8) A statement of the reconnection charge.

5. PAYMENT ARRANGEMENT

A. Agreement. When a customer cannot pay a bill in full, the utility must continue to serve the customer if the customer:

- 1) Pays a reasonable portion of the outstanding bill,
and;
- 2) Agrees to pay the balance of the outstanding bill

in reasonable installments; and

3) Agrees to pay all future bills within a reasonable time as provided in Section 2(A)(i), until the installment payment agreement made pursuant to subsection A(ii) is completed.

B. Form: Commission Review.

1) All provisions of any payment agreement made orally shall be reduced to writing by the utility, and the utility shall mail a copy of such writing to the customer within three (3) business days of the time that the oral agreement is made.

2) Any written confirmation of an oral payment agreement, and any written form for or offer of payment agreement prepared by a utility, shall conspicuously and clearly inform the customer of the provisions of subsections 5(A), 5(B)(iii), and 5(D).

3) In determining the reasonableness of particular agreements, the Commission will take into account the customer's ability to pay, the size of the unpaid balance, the customer's payment history, and the amount of time and reason the debt is outstanding. In the event that the utility and the customer cannot agree on the terms of a particular payment arrangement, the Commission shall have the authority to establish a reasonable payment arrangement.

C. Application of Payments. Customer payments are to be applied to the oldest balance of the amount subject to disconnection except in the case of a formally disputed bill; then payments are to be applied to the oldest undisputed amount.

D. Failure to Comply with Payment Arrangement; Disconnection. If the Customer fails to make the payment agreed to by the date it is due, the utility may disconnect service not less than three (3) business days after mailing a notice conforming to the requirements of Section 4(E)(i) to (iii) and (v) to (viii).

E. Second Agreement. If a customer fails to make the payment agreed upon by the date that it is due, the utility may, but is not obligated to, enter into a second such arrangement.

6. DISPUTES

A. Disconnection Prohibited; Utility Investigation.

Whenever a customer, before the disconnection date authorized by Sections 4 and 5, informs the utility that he disputes liability for all or any portion of a bill or deposit request or otherwise disputes the legality of the proposed disconnection, the utility shall not disconnect service to that customer, but shall instead:

- 1) Investigate the matter, preserving a written record of the substance and results of its investigation;
- 2) report the results of its investigation to the customer based upon the written record required by Section 6(A)(i);
- 3) attempt in good faith to resolve the dispute.

B. Unresolved Disputes; Notice. In the event that the dispute cannot be resolved by the customer and the utility using the procedure specified in Section 6(A), and the disconnection date has not yet passed, the utility shall re-advise the customer of his right under Section 4(E)(v) to submit the disputed matter to the Consumer Assistance Division of the Maine Public Utilities Commission, or, if the disconnection date has passed, of his right to so submit the disputed matter within two (2) business days, before which time the utility shall not disconnect service.

C. Payment of Undisputed Amounts. The customer must, in accordance with Section 2(A)(i), pay the undisputed portion of any bill.

D. Investigation by Consumer Assistance Division. In the event that the customer, pursuant to Section 6(B), does submit the disputed matter to the Consumer Assistance Division, the utility shall not disconnect the customer until such time as the dispute has been resolved according to the procedures established herein. The Consumer Assistance Division shall promptly notify the utility by telephone and confirm in writing that the disputed bill has been submitted to it and the date of the submission. The Consumer Assistance Division shall undertake an informal investigation of the dispute, which investigation may include, but is not limited to, an informal meeting with the customer and representative of the utility, review of the written record of the utility's investigation as required by Section 6(A)(ii), and an examination of other written records, such as billings, customer accounts, records of payment, notice of disconnection, and such other written documentation as the Consumer Assistance Division shall deem relevant to the disputed matter. The

Consumer Assistance Division shall complete its investigation and render a written decision on the merits of the dispute within seven (7) business days of its receipt. The Consumer Assistance Division in its written decision shall inform the customer and the utility of their rights to appeal from its decision as provided herein and shall fully inform the customer and the utility of their respective rights and obligations during the pendency of the appeal as set forth in Section 6(E).

E. Appeal to Commission.

1) Either the customer or the utility may file a petition seeking review of the decision of the Consumer Assistance Division with the Commission within five (5) business days after the date of the decision. The petition shall set forth a brief statement of the facts and the basis for the appeal. After receipt of the petition the Commission shall review the records of the Consumer Assistance Division and decide whether to hear the appeal. If the Commission decides not to exercise its discretion to hear the appeal, the petition shall be denied and the decision of the Consumer Assistance Division shall be affirmed. If the petition for review is granted the Commission shall hear the appeal within a reasonable time. After hearing the appeal, the Commission shall issue and order either affirming, reversing, or modifying the decision of the Consumer Assistance Division, or remanding the case to the Consumer Assistance Division for such action as the Commission deems necessary. The Commission shall issue its order on appeal within ninety (90) days from the date that the petition for review is filed.

2) In the event that the decision of the Consumer Assistance Division permits the utility to disconnect service to the customer and the customer has appealed to the Commission from such decision, the utility shall not disconnect service to the customer or shall reconnect the service if it has already been disconnected, but may, at its option:

a) petition the Commission in writing, requesting that the utility be allowed to disconnect service during the pendency of the appeal. If the Commission, within seven (7) business days after the petition is filed, determines, with or without hearing, that there is no reasonable likelihood that the customer will succeed in his appeal, then the Commission shall enter an order providing that the utility may disconnect service to the customer during the pendency of the appeal, on the basis of the dispute which is the subject to the appeal; or

b) bill the customer on an expedited basis from time to time for the value of current service actually rendered in accordance with its normal method for measuring the service usage and determining the charge for said customer, provided that such billings shall not be for service periods of less than seven (7) days. All bills so rendered shall be due and payable upon receipt. For the purpose of this Section only, the utility may, regardless of the amount of any such bill, disconnect service for nonpayment of any such expedited bill not less than five (5) calendar days after mailing to the customer a notice conforming to the requirements of Section 4(E), provided, however, that not payment arrangement agreed upon for the payment of the expedited billing provided for herein need conform to the requirements of Section 5(A)(iii).

The utility shall notify the Commission of any disconnection made under the authority of this paragraph (ii), but no disconnection shall operate as a dismissal of the customer's appeal unless a dismissal is specifically requested by the customer. In the event that the customer's appeal is sustained by the Commission, the utility shall reconnect service to the customer and not collect or require therefore any charge or deposit other than the amount then outstanding for service rendered during the pendency of said appeal. The expedited billing procedures specified herein shall not apply to any amounts not incurred for service rendered during the period that the customer's appeal is pending before the Commission.

3. In the event that the Consumer Assistance Division's decision does not permit the utility to disconnect service to the customer and the utility has appealed to the Commission from that decision, the utility shall not disconnect service to the customer during the pendency of its appeal to the Commission for the reason or reasons forming the subject matter of said appeal and all provisions of this Chapter shall continue to apply to the utility and the customer in full force and effect unless specifically modified by this Section 6.

F. Decision Permitting Disconnection. After the lapse of the appeal period from a decision of the Consumer Assistance Division permitting disconnection with no appeal being taken therefrom, the utility may disconnect the customer without further notice unless payment arrangement is made pursuant to Section 5. If the disconnection is not completed within ten (10) business days of the receipt of the decision, the notice procedure must be repeated; provided, however, that the ten (10) business day period may be extended in the manner set forth in

Section 4(B)(ii) above.

7. PROCEDURE FOR ACCOMPLISHING DISCONNECTION

A. Time. Utilities may disconnect service for nonpayment on the day specified in the notice, or within ten (10) business days thereafter, except as the ten (10) business day period may be extended pursuant to Section 4(B)(ii), or as otherwise provided in Section 6(F).

B. Tender of Payment. If the utility sends an employee to the customer's premises for the purpose of disconnecting service and the customer tenders payment in full of the bill to prevent disconnection, the employee shall either accept payment, give a receipt, and leave the service intact, or else, without disconnecting, direct the customer to go immediately to the utility's nearest office and tender payment there. The employee must know the full amount to be paid but shall not be required to make change or negotiate payment arrangements. When payment is made under these circumstances, the utility may charge the customer an amount not to exceed \$5.

8. CUSTOMER INQUIRIES REGARDING DISCONNECTIONS

A. Utility Employee Available. Except as provided in subsection (B) of this section, the utility shall provide for an employee to be available and prepared during business hours to handle the customer's questions and complaints. Such employee shall be familiar with the details of each case and shall be authorized to answer thoroughly each of the customer's reasonable inquiries and to enter into an agreement or settlement with the customer on behalf of the utility. Employees responsible for the receiving of customer telephone calls and office visits shall be properly qualified and instructed in the screening and prompt handling of complaints and service requests to assure prompt reference of the complaint or request to the person or department capable of effective handling of the matter.

B. Modified Rule for Small Utilities. Any utility which has fewer than five (5) permanent employees or 300 customers shall not be required to have an informed employee available at all times during business hours; provide, however, that in such cases the utility shall not disconnect service until it has made a diligent effort to (1) persuade the customer to correct or adjust the cause for the proposed disconnection, or (2) reach a

mutually satisfactory arrangement.

9. RESTORATION OF SERVICE

A. General. If service has been disconnected the utility shall restore service promptly upon the customer's request when the cause for the disconnection has been removed.

B. Payment Arrangement. A payment agreement, as described in Section 5 above, shall constitute sufficient grounds for restoration of service.

C. Time. The utility shall endeavor to restore service during the business hours of the day of the request. At the latest, reconnection shall be made during business hours on the first business day after the date of the request. When the customer requests that service be restored at other than regular business hours, the utility shall reasonably endeavor to make the reconnection; provided, however, that the utility shall be under no obligation to do so.

D. Fee. The utility may charge a reasonable fee for reconnection. A higher charge can be made for a reconnection made other than during business hours.

10. DEPOSITS

A. Requirements. The utility may require a deposit from any non residential customer: (1) as a precondition of service; (2) in lieu of disconnection that is authorized by Section 5 of this Chapter after proper written notice; and (3) from a customer who was not required to pay a deposit as a precondition of service but who owed payment of delinquent, undisputed bill for past utility service, of which the utility was unaware, at the time that the customer requested its present service; in such a case the deposit may not be collected until the customer's present account becomes delinquent and may only be collected if the delinquent account has not been paid and if the customer is notified at the time that the utility learns of the delinquent, undisputed bill that the deposit may be required when the present account becomes delinquent.

The deposit shall not exceed an amount based upon the highest two estimated bills. The customer may elect to pay the required deposit in at least two equal installments. However,

the customer's failure to pay any portion of the deposit will subject the customer to disconnection procedures.

Deposits may be in any of the following forms, listed in order of preference:

- a) Cash;
- b) Irrevocable bank letter of credit;
- c) Surety bond;
- d) Third-party guarantee instrument acceptable to the utility;
- e) Other security instrument acceptable to the utility.

B. Interest. Interest on deposits held for at least one month shall be paid to the customer at the rate and during the period specified in Chapter 87 of the Commission's Rules. No interest shall be paid on deposits held for less than one month.

Interest shall be paid or credited to the customer's account annually and upon termination of the service or the return of the deposit by the utility. If credited to the customer's account, the reason for the credit shall be specified on the customer's bill.

C. Disputes.

(1) Whenever a customer informs the utility that he disputes a required deposit the utility shall:

- a) Investigate the matter, preserving a written record of the substance and results of its investigation;
- b) Report the results of its investigation to the customer based upon the written record required by Section 10(C)(i)(a);
- c) Attempt in good faith to resolve the dispute.

(2) In the event that the dispute cannot be resolved by the customer and the utility using the procedure specified in Section 10(C)(i), the utility shall advise the customer of his right under Section 4(E)(v) to submit the disputed matter to the Consumer Assistance Division of the Maine Public Utilities Commission.

(3) In the event that the customer does submit the

disputed matter to the Consumer Assistance Division, the Consumer Assistance Division shall promptly notify the utility by telephone and confirm in writing that the disputed matter has been submitted to it and the date of the submission. The Consumer Assistance Division shall undertake an informal investigation of the dispute, which investigation may include, but is not limited to, an informal meeting with the customer and a representative of the utility, review of the written record of the utility's investigation as required by Section 10(C)(i)(b), and an examination of other written records as the Consumer Assistance Division shall deem to be relevant to the disputed matter. The Consumer Assistance Division shall complete its investigation and render a written decision on the merits of the dispute within seven (7) business days of its receipt. The Consumer Assistance Division in its written decision shall inform the customer and the utility of their rights to appeal from its decision as provided in Section 6(E)(i) and shall fully inform the customer and the utility of their respective rights and obligations during the pendency of the appeal as set forth in Section 10(C)(iv) and (v).

(4) In the event that the Consumer Assistance Division decides that the deposit required by the utility is reasonable and the customer appeals to the Commission from such decision, the customer shall pay that deposit to the utility in order to obtain service pending the appeal. In the event that the customer's appeal is sustained by the Commission, the utility shall return to the customer the difference between the collected deposit and the deposit approved by the Commission. Interest shall be paid on the Amount returned at the interest rate specified in Chapter 87 of the Commission's Rules.

(5) In the event that the Consumer Assistance Division decides that the deposit required by the utility is not reasonable and the utility appeals to the Commission from such decision, the customer shall pay a reasonable deposit, as determined by the Consumer Assistance Division, to the utility in order to obtain service pending the appeal. In the event that the utility's appeal is sustained by the Commission, the customer shall pay to the utility the difference between the collected deposit and the deposit approved by the Commission.

D. Refund of Deposit. Deposits will be refunded upon termination of service and payment in full of all charges and guarantees, or the utility may deduct from the deposit any such amounts as are unpaid and refund any difference.

11. LATE PAYMENT CHARGES

Any utility desiring to impose late payment charges must do so in accordance with Section 1 of Chapter 87 of the Commission's Rules.

12. VARIATION

A. By Utility. This Chapter does not limit the power of any utility to follow non-discriminatory procedures affording greater protection to customers than those described herein.

B. By Commission. The Public Utilities Commission may grant exceptions to the provisions of this Chapter for reasons and pursuant to the procedures specified herein.

1) For Individual Customers.

a) In any case involving an individual customer whose conduct and known financial condition pose a clear danger of substantial losses to the utility, an exception to the provisions of this Chapter may be granted by the Commission Staff. A request for such exception shall be addressed to the Consumer Assistance Division and maybe made either in writing or orally if followed promptly by a written request or confirmation shall include a detailed statement of the facts alleged by the utility in support of the request for an exception. The utility making the request shall immediately notify in writing the individual customer whose service is sought to be affected by the proposed exception, describing the nature and effect of the exception sought and the facts alleged in support of the request for an exception.

b) The Consumer Assistance Division may reject without investigation, any request that does not allege facts that satisfy the standard set forth in subsection 12(B)(i). Before granting any exception to any provision of this Chapter, the Consumer Assistance Division shall undertake an informal investigation of the matter, which investigation may include, but is not limited to, an informal meeting with the customer and a representative of the utility, and an examination of written records, such as billings, customer accounts, records of payment, notice of disconnection, and such other written documentation as the Consumer Assistance Division shall deem relevant to the determination of whether good cause for an exception has been shown in accordance with the standard set forth in Section

12(B)(i). The Consumer Assistance Division shall, upon completion of its investigation on upon summary rejection of the request, issue a written decision granting, denying, or granting in part the requested exception. When the Consumer Assistance Division determines, after completion of its investigation, that an exception is, for the reasons stated in Section (B)(i) hereof, required to avoid further substantial losses to the utility, notice of the decision shall be given to both the customer and the utility. Such notification shall be given orally, provided that a written confirmation of the decision is promptly issued by the Consumer Assistance Division. The written decision or written confirmation of the decision must 1) describe the nature and effect of the exception and the reasons underlying the grant of said exception; and 2) fully inform the customer and the utility of their rights to appeal the decision of the Consumer Assistance Division to the Commission, in accordance with subparagraph (iii) below.

c) Appeal from a decision granting, denying, or rejecting in whole or in part a request for a Staff exception may be had in accordance with the procedures specified in subsections 6(E)(i) and 6(E)(iii) of this Chapter, provided, however, that the three (3) business day period within which an appeal may be taken shall not begin to run until the date of written decision or a written confirmation of decision by the Consumer Assistance Division. The utility may not act in accordance with the exception granted until the expiration of the three (3) business days period within which an appeal may be taken.

2) For a Utility.

The Commission may grant a utility's request for an exemption from requirements of this Chapter upon finding that compliance therewith to be unnecessary, impracticable, or unnecessarily burdensome and that granting the request will not unnecessarily impair the policies of this Chapter. Any utility seeking such an exemption from this Chapter shall do so by submitting its request in writing. The request shall contain a complete explanation and justification for the exemption and a copy of language proposed to achieve the exemption. The utility shall send a copy of the request to the Public Advocate. The Commission shall determine whether and in what manner to solicit comments on the request from the interested persons. Upon consideration of the request and any comments and upon appropriate findings the commission may either grant, deny, or grant with modifications the requested exemption.

13. DISCONNECTION UPON IMPROPER NOTICE

In the event that the utility has disconnected service in a manner that otherwise conforms to the requirements of this Chapter and the customer subsequently complains to the Consumer Assistance Division that the notice required by Section 4 in any way failed to comply with the requirements of that Section, the Consumer Assistance Division shall immediately inform the utility of such complaint and shall investigate the sufficiency of the notice supplied the customer. The Consumer Assistance Division shall, within seven (7) business days of the receipt of the customer's complaint, inform the utility and the customer in writing of whether the notice conformed to all the requirements of Section 4. In the event that the notice did not conform to all the requirements of Section 4, the utility shall reconnect such reconnection, the utility still intends to disconnect service to the customer, it shall supply the customer with notice that conforms to the requirements of Section 4 and shall follow all procedures set forth therein to the same extent as if the conforming notice originally commenced its action to disconnect.

14. EMERGENCY MORATORIUM

When the Commission determines that, due to a general weather or health emergency, termination or disconnection of the utility service of one or more gas, electric, water or telephone utilities would present a clear danger to the health or safety of the customers of such a utility or utilities, the Commission may declare a partial or complete moratorium, for an initial period not to exceed ten (10) days, on the disconnection or termination of the service of all or any of the utilities subject to this Chapter. The Commission may renew such a moratorium as many times as the duration of the emergency may require, but no single renewal shall be for a period longer than ten (10) days. Such moratorium shall not extend beyond the duration of the emergency and shall prohibit termination or disconnection only to the extent necessary to protect the health or safety of the customers affected by the emergency.

15. SUMMARY FURNISHED TO CUSTOMERS

Each utility shall make available, at its business office or offices, copies of a "Guide to Disconnection and Deposit Rules for Nonresidential Customers," containing a summary, the form and

content of which shall be prescribed by the Commission, of the provisions of this Chapter. Within four (4) months of the date upon which a copy of such summary is issued to the utilities by the Commission, every utility shall inform each of its customers, by means of an insertion in a regular bill or otherwise, that copies of such "Guide" are available at its business office or offices. Thereafter, each person applying for service shall be informed of the availability of the "Guide."

16. FILING OF TARIFFS

Every utility must file with the Commission tariffs that conform to the provisions of this Chapter at the time of its next general rate case or within one year of the effective date, whichever is earlier. This Chapter preempts all utility tariffs concerning the disconnection and deposit requirements for nonresidential utility service that are in any way inconsistent with its provisions.

BASIS STATEMENT: The factual and policy basis for Chapter 86 as originally adopted is set forth in the Commission's Order Adopting Rule and Statement of Factual and Policy Basis, Docket No. 84-185, issued on March 28, 1985. The factual and policy basis for the subsequently promulgated Section 12(B)(2) is set forth in the Commission's Order Adopting Rule and Statement of Factual and Policy Basis, Docket No. 85-185, issued October 19, 1985. Copies of the Orders and Statements have been filed with this Rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 242 State Street, Augusta, Maine 04333-0018.

AUTHORITY: 35 M.R.S.A. §§3, 105, and 314.

EFFECTIVE: October 28, 1985, or such subsequent date as the Secretary of State approves.

This Rule was approved by the Secretary of State on October 30, 1985 and will be effective November 4, 1985.